REMARKS

Claims 1-20 are pending in this application. No claim has been amended herein, since claims 1-20 are believed to be distinguishable over the cited prior art of record.

Claims 1-4, 11-13, 15-17 and 19-20 have been rejected under 35 U.S.C. §102(e) as being anticipated by newly cited art, Lamkin et al., U.S. Patent Application Publication No. 2002/0078144. This reference is different from Lamkin et al., U.S. Patent Application Publication No. 2002/0088011, cited in the previous Office Action. Nevertheless, in support of this rejection of base claim 1, the Examiner copies Applicants' base claims 1, 11 and 16, and asserts that Lamkin '144 discloses,

> "it is **well-known** in the art to ship DVD information storage media having a markup language document that references AV data files (in the form of an HTML page for starting a video). Lamkin further discloses in [O257] the interaction commands used by the markup document when a user interacts via remote control shown in Fig. 7 #730. Note the data path in Fig. 7 from remote control #730 through Navigator state module #714 to markup language document #740. Furthermore, the API interaction commands are taught for playback (i.e., reproduction) of the DVD in Table A.1.1 of page 13, for pause in Table A.1.18 on pages 21-22, and stop in Table A.1.19 of page 22. Lamkin discloses in [0074] the presentation in a window of AV data that was embedded within an HTML encoded page. It is **inherent** that this would be performed in accordance with a document life cycle, which is defined in the instant Application at [0020] as 1) reading the markup document into memory; 2) interpreting the markup document and presenting on a screen; 3) facilitating interaction between the markup document and user; 4) terminating the document; and 5) discarding the document from memory. It is **inherent** that a markup language document is loaded into memory, interpreted and than presented on a screen for viewing, and the memory is cleaned up (i.e., data is discarded) after document termination. The user-document interaction passages in Lamkin, including the selection of pause/stop via remote control, have been previously set forth."

However, the Examiner's assertions are legally and factually improper. Accordingly, the rejection is respectfully traversed for reasons discussed herein below.

First, in rejecting Applicants' base claims 1, 11 and 18 under 35 U.S.C. §102, the Examiner bears the initial burden of establishing a *prima facie* case of anticipation. Only if this burden is met does the burden of coming forward with rebuttal argument or evidence shift to the Applicants. Ex parte Levy, 17 USPQ2d 1461, 1462 (1990) expressly states:

> "it is incumbent upon the examiner to identify wherein each and every facet of the claimed invention is disclosed in the applied reference."

In addition, 37 CFR §1.106(b) requires the Examiner, when rejecting claims for want of novelty or for obviousness, must cite the best references at his command. When a reference is complex or shows or describes inventions other than that claimed by the Applicants, the particular part relied upon must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.

Moreover, 35 U.S.C. §102 requires that each and every element of the claimed invention be disclosed in a single prior art reference. In re Paulsen, 30 F.3d 1475, 31 USPQ2d 1671 (Fed. Cir. 1994); In re Spada, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir. 1990). The absence from the reference of any claimed element negates anticipation. Kloster Speedsteel AB v. Crucible Inc., 793 F.2d 1565, 230 USPQ2d 81 (Fed. Cir. 1986).

In the present situation, the Examiner has **not** explained how Lamkin '144 teaches each and every element as defined in Applicants' base claims 1, 11 and 16, i.e., how "the markup document and markup resources representing AV data files ... [obtained] from an information storage medium", and how "the markup document is presented on a screen and selected markup resources representing AV data files are provided in a display window defined by the markup document on the screen according to a document life cycle, if the reproduction state is selected by the user, via a remote controller. As a result, the Examiner has failed to meet his initial burden of production.

Moreover, contrary to the Examiner's assumptions, there is **no** disclosure in Lamkin '144 of any reproduction of audio/visual (AV) data and markup documents [obtained from an information storage medium, as shown in FIG. 1] in an interactive mode in which AV data corresponding to the markup document is embedded in the markup document loaded on a screen for presentation, and any interaction between the markup document and the user [via, a remote controller, as shown in FIG. 4] which advantageously enables the user to pulse or stop the presentation on the markup document in the manner defined in Applicants' base claims 1, 11 and 16.

In contrast to Applicants' base claims 1, 11 and 16, the newly cited Lamkin '144 only discloses a system for providing presentation of **locally** stored media content combined with

remote interactively-obtained network media content. Application programming interface (API) provides a way to combine the Internet with content from DVD-ROM, DVD-video, DVD-audio and CD-audio. The combination of the Internet with DVD-video creates a richer, more interactive, and personalized entertainment experience for users.

According to Lamkin '144, the hardware platform 402, as shown in FIG. 4, can be a display device 102, as shown in FIG. 1, a computer 202, as shown in FIG. 2, a set-top box 302, as shown in FIG. 3, or a DVD device 602, as shown in FIG. 6, arranged to play/display both video or audio provided by the local content source 104, and/or web or HTML content provided by the offsite content source 106 (i.e., Internet). In addition, an InterActual Technologies Cross Platform ("ITX") specification is utilized to allow multiple playback platforms to seamlessly combine the Internet and/or other DVD-ROM capabilities with DVD-video to create a richer, more interactive, and personalized entertainment experience for customers. An embedded web browser 410 within the hardware platform 402 is utilized, upon instruction from a user, to search the Internet to obtain information related to the media content stored locally at a local content source 104, and incorporate the web/HTML content obtained, via the Internet, into the video or audio provided by the local content source 104.

The purpose of Lamkin's invention, as described on paragraph [0018], is to address the need for a system to access and use of related or updated web/HTML content [obtained, via the Internet] to provide augmented or improved content with playback of DVD content. Again, there is **no** disclosure anywhere from Lamkin '144 of any reproduction of audio/visual (AV) data and markup documents [obtained from an information storage medium, as shown in FIG. 1] in an interactive mode in which AV data corresponding to the markup document is embedded in the markup document loaded on a screen for presentation, and any interaction between the markup document and the user [via, a remote controller, as shown in FIG. 4] which advantageously enables the user to pulse or stop the presentation on the markup document in the manner defined in Applicants' base claims 1, 11 and 16.

Nevertheless, the Examiner cites paragraphs [0237] and [0257] of Lamkin '144 for allegedly disclosing "DVD information storage media having a markup language document that references AV data files" and "the interaction commands used by the markup document when a user interacts via remote control shown in Fig. 7 #730." However, these citations are misplaced.

The cited [0237] of Lamkin '144 refers to a DVD-video provided with a simple HTMP page, as shown in FIG. 12; however, the combination is made possible when a user is

interacting between a web view and a content view after the web/HTML content is obtained, via the Internet. For example, if any web site updates are available, such updates are incorporated therein. However, there is **no** distinction made between the markup document or markup resources representing AV data files.

In view of the fact that Lamkin '144 fails to disclose and suggest key features of Applicants' base claims 1, 11 and 16, Applicants respectfully request that the rejection of claims 1, 11 and 15 and their respective dependent claims be withdrawn.

Dependent claims 5-7 have been rejected under 35 U.S.C. §103 as being unpatentable over Lamkin et al., U.S. Patent Application Publication No. 2002/0078144 for reasons stated on pages 8-9 of the final Office Action (Paper No. 100060214). Since this rejection is predicated upon the correctness of the rejection of base claim 1, Applicants respectfully traverse this rejection for the same reasons discussed.

Lastly, claims 8-10, 14 and 18 have been rejected under 35 U.S.C. §103 as being unpatentable over Lamkin et al., U.S. Patent Application Publication No. 2002/0078144, in view of Michael Morrison et al. (XML Unleased, Sam's Publishing, Indianapolis, IN, Dec. 1999, pp. 149-153, 156-172, 174-179, 184-202, 206-209, 289-290, 424, 427, 431-443 and 463-467) (hereinafter referred to as "Morrison"). In support of this rejection, the Examiner asserts that Lamkin '144 discloses,

> "in [0074] the playback of AV data embedded in a markup document (e.g., encoded in HTML) into a window. It's implied that the markup document has defined the window in which it displays the AV data that is embedded in the document. Lamkin in [0077] and [0231] also discloses the use of a stylesheet in accessing AV data. Lamkin further discloses in [0233] the use of XML. Lamkin also discloses in [0127] and Fig. 7 #740 the use of Javascript in conjunction with a markup document."

However, the Examiner admits that Lamkin '144 does not explicitly disclose the specific markup language operations recited, but relies on Morrison, as a secondary reference, for allegedly disclosing the recited well-known and inherent markup language concepts. According to the Examiner, Morrison discloses,

> "in Fig. 12.1 of page 207 and in the second paragraph under "Revisiting the XML DOM" on page 427, the well-known concept of abstracting markup documents as tree structures using rules such as set forth in a DTD (Document Type Definition). See also the Microsoft Computer Dictionary, 5th Edition definition of "DTD" on p. 179 discussing the use a DTD to provide formal definitions (or

> rules) for use by a markup document parser (such as that shown in Fig. 12.1 of Morrison). Morrison discloses in the first paragraph under "Inside a CSS Style Sheet" on page 157 the application of a set of rules to a markup document and the rendering of a markup language document in accordance with the application of style rules. Fig. 12.1 on page 207 provides an illustration of the well-known concept of generating a format structure, which is passed to a rendering agent, applying style rules provided in a stylesheet, then rendering a document on a display device in accordance with those rules"

in order to support a conclusion that "it would have been obvious to one of ordinary skill ... to apply the teachings of Morrison for the benefit of Lamkin, because to do so would have provided a programmer with the ability to cleanly separate content and presentations of a markup document, as taught by Morrison in the second paragraph under "A CSS Primer" on page 156."

However, as previously discussed, Morrison simply provides a text book on how to program web pages in XSL and HTML languages. Similar to the noted deficiencies of Lamkin '144, there is **no** disclosure of how "the markup document" and the "markup resources representing AV data linked to the markup document" are obtained from a single optical disk, and how an AV screen is embedded in a markup screen, as shown in FIG. 5 of Applicants' disclosure. More importantly, there is **no** disclosure of specific implementation procedure on how a markup document is prepared and presented in an interactive mode, particularly, in the context in which both "the markup document" and the "markup resources representing AV data linked to the markup document", including:

> interpreting the markup document and generating a document object tree according to a predetermined rule;
>
> interpreting a stylesheet to define a document form of the markup document and generating a style rule/selector list;
>
> interpreting a script code that is included in the markup document;
>
> applying the style rule/selector list to the document tree to create a document form;
>
> generating a formatting structure that corresponds to the document form;
>
> rendering the markup document according to the format structure;
> decoding markup resources representing AV data linked to the markup document and outputting the markup document rendered along with the markup resources representing AV data for presentation on a screen in which the markup resources representing AV data are provided in a display window defined by the markup document.

In view of these reasons and the noted deficiencies of the proposed combination, Applicants respectfully request that the rejection of claims 8-10 and 14 under 35 U.S.C. §103(a) as being unpatentable over Michael Morrison and Lamkin '144 be withdrawn.

In view of the foregoing amendments, arguments and remarks, all claims are deemed to be allowable and this application is believed to be in condition to be passed to issue. Should any questions remain unresolved, the Examiner is requested to telephone Applicants' attorney at the Washington DC office at (202) 216-9505. Applicants respectfully reserve all rights to file subsequent related application(s) (including reissue applications) directed to any or all previously claimed limitations/features which have been amended or canceled, or to any or all limitations/features not yet claimed, i.e., Applicants have no intention or desire to dedicate or surrender any limitations/features of the disclosed invention to the public.

INTERVIEW:

In the interest of expediting prosecution of the present application, Applicants respectfully request that an Examiner interview be scheduled and conducted. In accordance with such interview request, Applicants respectfully request that the Examiner, after review of the present Amendment, contact the undersigned local Washington, D.C. attorney at the local Washington, D.C. telephone number (202) 216-9505 ext. 232 for scheduling an Examiner interview, or alternatively, refrain from issuing a further action in the above-identified application as the undersigned attorneys will be telephoning the Examiner shortly after the filing date of this Amendment in order to schedule an Examiner interview. Applicants thank the Examiner in advance for such considerations. In the event that this Amendment, in and of itself, is sufficient to place the application in condition for allowance, no Examiner interview may be necessary.

To the extent necessary, Applicants petition for an extension of time under 37 CFR §1.136. If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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